

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LASHA JOHNSON,

Plaintiff,

v.

CITY OF FRESNO,

Defendant.

Case No. 1:20-cv-01320-NONE-SKO

**ORDER DIRECTING THE CLERK OF
COURT TO ASSIGN A DISTRICT
JUDGE TO THIS MATTER AND CLOSE
THE CASE**

(Doc. 10)

On November 30, 2020, Plaintiff filed a notice voluntarily dismissing her case pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. (Doc. 10.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). Rule 41(a)(1)(B) provides further that “[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B).

Plaintiff filed her voluntary dismissal before the opposing party served either an answer or a motion for summary judgment. As such, Plaintiff has voluntarily dismissed this matter without prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(i) and (1)(B). The Court therefore DIRECTS the Clerk of Court to assign a district judge to this matter and thereafter close this case.

1 IT IS SO ORDERED.

2 Dated: December 3, 2020

/s/ Sheila K. Oberto
3 UNITED STATES MAGISTRATE JUDGE
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